

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Final Office Action mailed on September 21, 2004. Claims 1-10 are pending and stand rejected in this Application. Claim 10 is amended by the present Amendment simply to correct a misspelled word.

Summarizing the outstanding Office Action, Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U. S. Patent No. 6,682,347.

Applicants have herewith filed a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) and respectfully request that the obviousness-type double patenting rejection of Claims 1-10 over claims 1-5 of U. S. Patent No. 6,682,347 be withdrawn.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after a Final Rejection permits entry of amendments placing the claims in condition for allowance or in better form for consideration on appeal.¹ The instant amendment submits a terminal disclaimer, which should remove the outstanding obviousness-type, double patenting rejection, thereby placing this application in condition for allowance. In addition, the present amendment to Claim 10 simply corrects a misspelled word and, as such, it is not believed to raise new issues. It is therefore respectfully requested that 37 C.F.R. 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-10 is earnestly solicited.

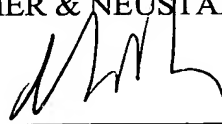
¹ See, for example, MPEP §714.12.

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Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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